

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Wisconsin

In the Matter of the Tracking of  
(Identify the person to be tracked or describe  
the object or property to be used for tracking)  
A WHITE 2018 INFINITI Q50 4-DOOR PASSENGER  
CAR BEARING CALIFORNIA LICENSE PLATE  
NUMBER 8CST634

Case No. 22-m-724

APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of 16 U.S.C. § 3372(a)(1). Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- ☒ The person, property, or object is located in this district. ☐ The activity in this district relates to domestic or international terrorism.
- ☐ The person, property, or object is not now located in this district, but will be at the time of execution. ☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- ☒ evidence of a crime; ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime; ☐ a person to be arrested or a person who is unlawfully restrained.

☐ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:  
A white 2018 Infiniti Q50 4-door passenger car bearing California license plate 8CST634

☐ Delayed notice of 30 days (give exact ending date if more than 30 days: ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date:

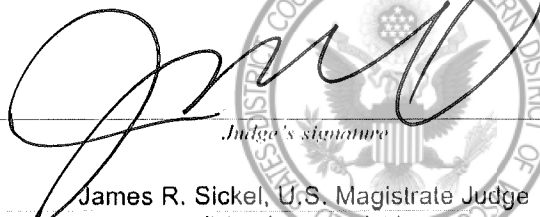
9/8/2022

City and state: Green Bay, Wisconsin

  
Applicant's signature

SA Logan Cannon, US FWS

Applicant's printed name and title

  
Judge's signature  
James R. Sickel, U.S. Magistrate Judge  
Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

IN THE MATTER OF THE TRACKING OF A WHITE  
2018 INFINITI Q50 4-DOOR PASSENGER CAR  
BEARING CALIFORNIA LICENSE PLATE NUMBER  
8CST634

Case No. 22-m-724

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Special Agent Logan Cannon, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 3117 to authorize the installation and monitoring of a tracking device on a white 2018 Infiniti Q50 4-door passenger car bearing California license plate number 8CST634 (“the SUBJECT VEHICLE”). Based on the facts set forth in this affidavit, I believe that the SUBJECT VEHICLE is presently being used in furtherance of violations of the Lacey Act, specifically 16 U.S.C. § 3372(a)(1), and that there is probable cause to believe that the installation of a tracking device on the SUBJECT VEHICLE and use of the tracking device will lead to evidence, fruits, and instrumentalities of the aforementioned crimes as well as to the identification of individuals who are engaged in the commission of those and related crimes.

2. I am a Special Agent with the United States Fish and Wildlife Service (USFWS) currently assigned to the USFWS Office of Law Enforcement (OLE) Madison, Wisconsin Investigations Office. I have served as a federal law enforcement officer for approximately 12 years, six years as a USFWS Special Agent and six years as a uniformed Federal Wildlife Officer for the USFWS National Wildlife Refuge System. I am a graduate of the Criminal Investigator Training Program and the USFWS Special Agent Basic School at the Federal Law Enforcement Training Center

in Glynnco, Georgia. I have a Bachelor of Science degree in Wildlife Ecology and Management with a minor in Environmental Law Enforcement from the University of Wisconsin – Stevens Point.

3. My training and experience have made me familiar with the laws, regulations, and Treaties enforced by the USFWS, including but not limited to the Lacey Act. I have been involved in numerous federal investigations, either as the case agent/officer or in various support roles, that pertained to the trafficking of fish, wildlife, or plants in violation of the Lacey Act and other federal wildlife protection laws. I have planned, conducted, and participated in the execution of search warrants, surveillance operations, and interviews. I have also assisted with investigations that involved the installation, monitoring, maintenance, and retrieval of electronic tracking devices.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

#### **RELEVANT FEDERAL LAWS AND REGULATIONS**

5. The Lacey Act, 16 U.S.C. § 3372(a)(1), makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law.

- a. The Lacey Act, 16 U.S.C. § 3371(c), defines the term “Indian tribal law” as any regulation of, or other rule of conduct enforceable by, any Indian tribe, band, or group but only to the extent that the regulation or rule applies within Indian country as defined in section 1151 of Title 18.
- b. The Lacey Act, 16 U.S.C. § 3371(f)(1), defines the term “plant” as any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forested stands.
- c. The Lacey Act, 16 U.S.C. § 3371(k), defines the term “transport” as to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

6. The Lacey Act, 16 U.S.C. §3372(a)(2)(B)(i), makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant taken, possessed, transported, or sold in violation of any law or regulation of any State or any foreign law, that protects plants.

7. The Lacey Act, 16 U.S.C. §3372(a)(4), makes it unlawful for any person to attempt to commit any act described in paragraphs (1) through (3).

#### **RELEVANT TRIBAL LAWS AND REGULATIONS**

8. The Menominee Indian Tribe of Wisconsin (MITW) Conservation Code is found in Chapter 287. MITW Conservation Code §287-7, authorizes the MITW Conservation Commission to issue conditions governing the taking of fish, game, and plants, among other things on the MITW Reservation.

9. MITW Conservation Code §287-8, sets forth the licensing requirements for MITW tribal members to hunt, fish, or gather food from plants on the MITW Reservation. Non-tribal members do not have the right to trap or gather plants for nonfood purposes within the MITW Reservation.

10. MITW Conservation Code §287-9(G)(3) makes it unlawful for any person to violate the MITW Commission rules and conditions governing big game, small game, fur-bearing animals, game birds, big game fish, small game fish, plants, and ginseng on the MITW Reservation.

- a. MITW 2021 Wild Ginseng Harvest/Dealer Regulations state that all wild ginseng harvested from the MITW Reservation must be certified by the harvester/dealer at the MITW Conservation Department during certification hours. Additionally, any transportation or importation of uncertified wild ginseng onto or off the MITW Reservation is prohibited; unless the person that is transporting the wild ginseng has the appropriate license (Tribal, State, Federal), and is in possession of a valid certification form from the place or country of harvest.
- b. MITW 2021 Wild Ginseng Harvest/Dealer Regulations state the harvest season for wild ginseng on the MITW Reservation is between September 1<sup>st</sup> and November 1<sup>st</sup> and that wild ginseng harvest/dealer is limited to enrolled tribal members only.

- c. MITW ginseng regulations define a “harvest/dealer” as a person who harvests, buys, or otherwise acquires or conveys wild ginseng.

11. MITW Conservation Code §287-4 sets forth that the Conservation Code shall be binding upon all individuals who reside on, travel through, or come upon the MITW Reservation. Additionally, any person who enters the MITW Reservation shall be deemed to have given consent to the jurisdiction of the Tribe for the purposes of enforcing this chapter.

#### **RELEVANT STATE LAWS AND REGULATIONS**

12. Off reservation wild ginseng is regulated under Wisconsin Statute §29.611 and Wisconsin Administrative Code chapter NR 28.

13. Wisconsin Statute §29.611(8)(a) – Wild ginseng originating in this state. No person may ship out of this state wild ginseng that originates in this state unless the wild ginseng is accompanied by a valid certificate of origin issued under this subsection.

14. Wisconsin Statute §29.611(1)(a) – “Dealer” means any person who purchased for purposes of resale at least 8 ounces of wild ginseng in a license year.

15. Wisconsin Statute §29.611(7)(a) – Wild Ginseng Dealer Licenses. Licenses Required. No Resident may act as a dealer in this state unless he or she has one of the following valid wild ginseng dealer licenses issued by the department: [Class A, Class B, Class C].

16. Wisconsin Statute §29.611(1)(b) – Wild Ginseng Dealer Licenses. Nonresident wild ginseng dealer license. A person who is not a resident may not act as a dealer in this state unless he or she has a valid nonresident wild ginseng dealer license issued by the department.

17. Wisconsin Administrative Code NR 28.01(2) – “Dealer” means any person buying more than 8 ounces of wild ginseng annually.

18. Wisconsin Administrative Code NR 28.01(4) – “Engage in business” in this chapter includes but is not limited to purchasing, selling, holding, brokering, billing, or receiving payment for, contracting for or advertising wild ginseng either for cash or on consignment.

19. Wisconsin Administrative Code NR 28.03(3) – Dealers License. All persons who engage in business with wild ginseng in Wisconsin shall have a valid Wisconsin wild ginseng dealer’s license in their own name, except for paid employees or family members of a licensed dealer who are working at the dealer’s primary place of business as indicated on the dealer’s license.

20. Wisconsin Statute §29.611(2) – CUTTING. No person may, between November 1 and the following September 1, cut, root up, gather, or destroy wild ginseng.

#### **PROBABLE CAUSE**

21. On September 25, 2019, WDNR Conservation Warden Captain (Cpt.) Bryan Harrenstein contacted Sung Il Lim from California in Langlade County, Wisconsin. Cpt. Harrenstein noted in his case activity report documenting the contact with Lim that Lim was driving an older white Toyota Tacoma with a topper. During the contact, Lim provided the following information:

- a. Lim takes a month-long trip every year and drives to Wisconsin and other states from California to “get” ginseng.
- b. Lim wanted around 20 pounds of ginseng to take back home.
- c. Lim had contacts in the area from whom Lim purchased ginseng.
- d. Lim used the ginseng medicinally for his family.

22. On October 1, 2019, WDNR Conservation Warden (CW) Joshua Litvinoff received information from a confidential informant (CI) that a person stated to the CI that a male with the last name of Lim from California was buying wild ginseng in Wisconsin.

23. WDNR license files show Lim has an account with the WDNR with the following personal information listed: 2721 E Carson Street, Long Beach, California 90810, DOB: 07/30/1949,

phone: (310) 518-3356, and email: michaelblim3@gmail.com. Lim's WDNR account shows only nonresident ginseng harvester licenses purchased in the following years: 2010-2019, and 2021.

24. An internet search of the telephone number (310) 518-3356 came back to Dela Liquors located at 2721 E Carson Street, Carson, California 90810.

25. Open-source internet searches for 2721 E Carson Street, Long Beach, California 90810 reports the same information listed above with Carson, California.

26. WDNR license files show that on August 21, 2019 at 4:07:30 p.m., Lim was issued a 2019 Wisconsin nonresident ginseng harvester license via online purchase.

27. A review of Lim's WDNR historical files showed a 2015 Wisconsin Wild Ginseng Dealer's License Application in which Lim was listed as the applicant. The telephone number, (310) 415-0949, was listed on Lim's application.

28. In 2019, United States Postal Service (USPS) Inspector Matt Schmitz queried USPS records for information on mailings originating from Wisconsin that were delivered to Lim's address 2721 E Carson St, Long Beach, CA 90810. Inspector Schmitz learned from this query that between September 29, 2017 and September 25, 2019, six (6) parcels weighing between approximately eight (8) and fifteen (15) pounds had been delivered to 2721 E Carson St, Long Beach, CA 90810. These shipments are summarized below:

- a. On September 29, 2017, a Priority Mail Express parcel weighing 14.31 pounds was shipped from the Antigo, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The parcel was delivered on September 30, 2017.
- b. On September 4, 2018, a Priority Mail parcel was shipped from the Neopit, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The parcel was delivered on September 6, 2018. No mailing weight listed.
- c. On September 10, 2018, a Priority Mail parcel was shipped from the Neopit, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The parcel was delivered on September 12, 2018. No mailing weight listed.
- d. On September 11, 2019, a Priority Mail Express parcel weighing 8.58 pounds was shipped from the Antigo, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The parcel was delivered on September 12, 2019.



- e. On September 16, 2019, a Priority Mail Express parcel weighing 8.56 pounds was shipped from the Antigo, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The parcel was delivered on September 17, 2019.
- f. On September 24, 2019, a Priority Mail Express parcel weighing 14.38 pounds was shipped from the Antigo, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The parcel was delivered on September 25, 2019.

29. On or about September 18, 2021, Langlade County, Wisconsin Sheriff's Department Deputy Josh Rojas informed WDNR Conservation Warden Brad Dahlquist that he contacted Lim and Samuel Birris from California after they reported getting a vehicle stuck in the area of Otto Mauk Road between Augustyne Springs Road and State Highway 52 in Langlade County, Wisconsin. During the contact Deputy Rojas learned that both Lim and Birris were in the area to harvest ginseng, Lim paid Birris \$1,000.00 to accompany Lim to Wisconsin to harvest ginseng, and Lim was having a friend from the Menominee Indian Tribe of Wisconsin (MITW) pick them up for a ride. The Langlade County Sheriff's Department documented Lim's telephone number as (310) 415-0949.

30. WDNR records show that Lim and Birris were issued 2021 nonresident Wisconsin ginseng harvester licenses on September 16, 2021 via online purchase.

31. The 2021 wild ginseng harvest season in Wisconsin and on the Menominee Indian Reservation was September 1<sup>st</sup> through November 1<sup>st</sup>.

32. On September 22, 2021, IW Neverman and WDNR IW Ben Herzfeldt conducted surveillance of Lim in the Antigo, WI area. At approximately 1:24 p.m., IW Neverman and IW Herzfeldt saw Lim's white Toyota pickup truck bearing California license plate 4E32013, parked in front of a residence in the Town of Polar, Langlade County, WI. Later the same day, Lim's white Toyota pickup truck was observed parked at the Sleep Inn hotel located at 525 Memory Lane, Antigo, WI. (See below for IW Neverman's photographs of the white Toyota pickup truck bearing California license plate 4E32013 from September 22, 2022.)





Photograph: 20210922\_132920\_046



Photograph: 20210922\_132410\_016

33. California vehicle registration records show California license plate 4E32013 was registered to Lim at 2721 E Carson St, Carson, CA 90810.

34. On September 24, 2021, IW Neverman conducted surveillance of Lim and Lim's white Toyota pickup truck in the Antigo, WI area. At approximately 7:08 a.m., IW Neverman observed Lim's white Toyota pickup truck parked at the Sleep Inn hotel in Antigo, WI. At approximately 7:32 a.m., IW Neverman saw an Asian male operate the white Toyota pickup truck to the Antigo, WI Subway located off Highway 64 east of Highway 45 then continue travelling east on Highway 64 out of Antigo, WI. During surveillance, IW Neverman saw an Asian male operating the vehicle and a Black male passenger in the front passenger seat of the vehicle.

35. On September 29, 2021, IW Neverman and IW Herzfeldt conducted surveillance of Lim in the Antigo, WI area. Just prior to 7:00 a.m., IW Herzfeldt located Lim's white Toyota pickup truck parked at the Sleep Inn hotel in Antigo, WI. At approximately 9:30 a.m., IW Herzfeldt observed an Asian male leave the Sleep Inn hotel in the truck. At approximately 10:04 a.m., IW Herzfeldt saw Lim's white Toyota pickup truck parked in front of the Antigo, WI Post Office. IW Herzfeldt saw an Asian male operator matching the physical description of Lim enter the Antigo, WI Post Office carrying

a large box. At approximately 10:05 a.m., IW Neverman documented the same Toyota truck parked at the Antigo, WI Post Office with the below photograph.



Photograph: 20210929\_100549(0)

36. At approximately 10:08 a.m., IW Neverman saw the same Asian male individual walk out of the post office, not carrying a box, manipulating what appeared to be a cellular telephone, and proceed to drive away in the white Toyota truck. At approximately 12:19 p.m., IW Herzfeldt observed Lim's white Toyota truck parked at the Walmart in Antigo, WI and a short time later the same male Asian individual, as described above, carrying flattened cardboard boxes approached the Toyota truck. At approximately 12:37 p.m., IW Neverman saw the same Asian male individual exit the Chase Bank located at 700 5<sup>th</sup> Avenue, Antigo, WI carrying a white envelope like item that IW Neverman recognized as what is commonly used by banks for holding cash money withdrawals. The Asian male individual was accompanied by an Asian female. IW Neverman saw the Asian male and female get

into the white Toyota truck and drive away. At approximately 2:50 p.m., Lim's white Toyota pickup truck was last observed by IW Herzfeldt traveling east on Highway 47 in Phlox, WI, only a few miles west of the Menominee Indian Reservation.

37. On October 5, 2021, IW Neverman contacted MITW Conservation Director / Chief Warden Maniyan Pyawasay regarding this investigation. According to MITW Conservation Director / Chief Warden Pyawasay, wild ginseng harvested on the Menominee Indian Reservation can only be done by enrolled tribal members, dealers of wild ginseng on the reservation is restricted to enrolled tribal members only, and wild ginseng harvested on the Menominee Indian Reservation may be sold or transported off the Menominee Indian Reservation only after it is certified and has a certificate of origin issued. Chief Warden Pyawasay further provided that information was previously received that an Asian individual was purchasing ginseng on reservation and using the Neopit, WI Post Office and that in 2021 information was received that the same Asian individual, allegedly from Antigo, WI, was purchasing ginseng on the Menominee Indian Reservation.

38. On October 12, 2021, IW Neverman and I met with MITW Conservation Director / Chief Warden Maniyan Pyawasay and MITW Conservation Warden Camilo Perez about this investigation. Chief Warden Pyawasay said the MITW Conservation Wardens had received information that an Asian individual was purchasing wild ginseng on the Menominee Indian Reservation in 2021 and that a licensed tribal dealer reported decreased amounts of wild ginseng being purchased compared to previous years. MITW Chief Warden Pyawasay indicated the low number of MITW Wild Ginseng Certificates of Origin and the decreased volume of wild ginseng being purchased by licensed tribal dealers may be due to non-tribal dealers purchasing ginseng that is not certified as required in most instances. MITW Chief Warden Pyawasay further indicated that a total of 17 MITW

Wild Ginseng Certificates of Origin at this point in the 2021 ginseng season was down from previous years.

39. On October 12, 2021, IW Neverman and I reviewed MITW Wild Ginseng Certificates of Origin issued for 2016 through 2021 on the Menominee Indian Reservation. SA Cannon and INV Neverman found one MITW Wild Ginseng Certificate of Origin (No. 21-17) dated October 8, 2021 that listed a "Lim Sun" with an address of 2721 E Carson St, Carson CA 90810 as receiving 14.2 pounds of wild ginseng from George Bruette. According to MITW Chief Warden Pyawasay and MITW Warden Perez, Bruette was an enrolled MITW member and was a licensed MITW wild ginseng harvester/dealer in 2021. No additional certificates of origin transferring MITW wild ginseng to Lim were located in the MITW ginseng records.

40. On November 11, 2021, IW Neverman served a state search warrant on Verizon Wireless for the content of electronic communications for Lim's mobile phone number (310) 415-0949. The timeframe for the warrant was September 1, 2019 through November 1, 2019 and September 1, 2021 through November 1, 2021. Later the same day, IW Neverman received responsive records from Verizon Wireless for Lim's mobile phone number (310) 415-0949. The records consisted of account information and call detail records for the 2019 timeframe and account information, call detail records, and cell tower information for the 2021 timeframe.

41. IW Neverman and I reviewed the records provided by Verizon Wireless mobile phone records for LIM, conducted an analysis that including pairing a suspected user to a telephone number and compared that name/number to WDNR license files, WDNR wild ginseng records, and MITW records. IW Neverman and I noted the following from the 2019 and 2021 call detail records:

- a. Thirteen (13) calls between Lim and Anthony Miller (phone #715-851-1712) from September 1, 2019 – September 26, 2019.
- b. Fifty-seven (57) calls between Lim and Miller from September 1, 2021 – October 12, 2021.

- c. Forty-two (42) text messages between Lim and Miller from September 1, 2021 – October 12, 2021, that consisted of text content and picture content. This content included pictures of electronic financial transfer receipts from Lim to Miller via Walmart to Walmart, pictures of USPS receipts or tracking numbers for shipments from Miller to Lim, pictures of wild ginseng roots from Miller to Lim, and text content including discussions regarding wild ginseng, shipping and Lim's address, money owed from Lim to Miller for shipments, and Miller making purchases.
- d. Sixty-seven (67) calls between Lim and George J. Bruette (Phone #715-701-9191) from September 26, 2021 – October 11, 2021.
- e. Forty-seven (47) text messages between Lim and Bruette from September 26, 2021 – October 12, 2021, that consisted of text content and picture content. This content included pictures of electronic financial transfer receipts from Lim to Bruette via Walmart to Walmart and Western Union, pictures of USPS receipts for shipments from Bruette to Lim, pictures and videos of wild ginseng roots from Bruette to Lim, pictures of Bruette's MITW wild ginseng dealers license to Lim, and text content including discussions regarding certification of wild ginseng, shipments, money owed from Lim to Bruette, and weights of items being mailed from Bruette to Lim.

42. IW Neverman also reviewed the Verizon Wireless mobile phone records for Lim regarding the cell tower information for the 2021 timeframe and observed that Lim left the greater Los Angeles area of California on or about September 15, 2021 at approximately 3:22 PM and arrived in the northeast part of Wisconsin on or about September 17, 2021 at approximately 6:08 AM.

43. IW Neverman found WDNR records showing Miller was a licensed wild ginseng harvester in Wisconsin for the years 2009 and 2011 – 2021. MITW records indicated Miller had relinquished his MITW membership, however still resided on the Menominee Indian Reservation, and MITW Conservation Warden Perez suspected any wild ginseng from Miller originated from the Menominee Indian Reservation. MITW records showed Bruette was a licensed MITW wild ginseng harvester and dealer in 2021.

44. On February 9, 2022, IW Neverman and I reviewed all 2021 MITW Wild Ginseng Certificates of Origin. INV Neverman and I found seventeen (17) certificates were issued and only one listed a "Lim Sun" as found on October 12, 2021 and indicated above (§ 39).



45. From February 23, 2022 – March 7, 2022, IW Neverman and WDNR Captain (Cpt.) Shaun Deeney reviewed WDNR Wild Ginseng Certificates of Origin for 2018 through 2021 for Lim, Miller, and Bruette. IW Neverman and Cpt. Deeney did not find any WDNR Wild Ginseng Certificates of Origin for Lim, Miller, or Bruette.

46. On March 28, 2022, I served a subpoena on Ria Financial Services (RFS) for Walmart-to-Walmart money transfers by Lim for the time-period August 20, 2021 through November 20, 2021. The RFS records showed that on September 1, 2021 at 1:17 p.m., Lim sent \$1,000.00 to Miller via Walmart to Walmart. The tracking number for the transaction was 724066314. The address listed for Lim on the transaction was 2721 E Carson St, Long Beach, CA 90810. RFS records showed Lim sent the money to Miller from a Walmart located at 12701 Towne Center Drive, Cerritos, CA 90703 and Miller picked up the \$1,000.00 from Lim on September 3, 2021 at 7:59 a.m. at the Walmart located at 1244 East Green Bay, Shawano, WI 54166. The address listed for Miller on the transaction was N3648 N 3<sup>rd</sup> Ave, Neopit, WI 54150.

47. On March 28, 2022, I served a subpoena on JP Morgan Chase Bank for Lim's financial records for the time-period August 20, 2021 through November 20, 2021. I reviewed the records and found one checking account for Lim. The signature card for the account listed Lim's address as 2721 E Carson St, Long Beach, CA 90810, Lim's date of birth, and Lim's California driver's license number U1137838. Lim was the only person listed on the signature card for the account. The monthly statements for Lim's checking account showed numerous purchases, withdrawals, and deposits made in Wisconsin from September 17, 2021 to September 29, 2021. Some of these transactions are summarized below.

- a. September 21, 2021 – Debit card purchase of \$65.40 at the Antigo, WI Post Office.
- b. September 26, 2021 - Non-Chase Bank ATM withdrawal of \$202.00 in Keshena, WI.

- c. September 27, 2021 – Withdrawal of \$5,000.00. The electronic withdrawal ticket for this transaction showed Lim withdrew the \$5,000.00 on September 27, 2021 at 11:32 a.m.
- d. September 27, 2021 – Debit card purchase of \$107.20 at the Antigo, WI Post Office.
- e. September 27, 2021 – ATM withdrawal of \$500.00 at 535 Superior Street, Antigo, WI.
- f. September 28, 2021 – Deposit of \$5,000.00. The deposit slip for this transaction showed Lim deposited a \$5,000.00 check into his account. The check image showed the check was from DML Properties LLC. The address listed on the check was 2721 Carson St., Carson, CA 90810.
- g. September 29, 2021 – Debit card purchase of \$132.45 at the Antigo, WI Post Office.
- h. September 29, 2021 – ATM withdrawal of \$2,000.00 at 700 5<sup>th</sup> Ave, Antigo, WI.

48. On April 29, 2022, I served a subpoena on Western Union (WU) for information on tracking number 8697138542. I reviewed the records and found that on October 9, 2021 at 9:26 p.m., Michael Lim, son of Sung Lim, sent \$1,500.00 to Bruette from a Walgreens located at 1250 E Chapman Ave, Fullerton, CA 92831. The tracking number for the transaction was 8697138542. The address listed for Michael Lim on the transaction was 1410 Dana Pl, Fullerton, CA 92831. WU records showed Bruette picked up the \$1,500.00 on October 10, 2021 at 9:16 a.m. from the Walmart located at 1244 East Green Bay, Shawano, WI 54166. The address listed for Bruette was N3547 Lawe Ave, Neopit, WI 54150.

49. On April 29, 2022, I served a subpoena on RFS for Walmart-to-Walmart money transfer records for Miller, and others, for the time period August 20, 2021 through November 20, 2021. I reviewed the records and found the following related to Miller:

- a. On October 5, 2021, at 9:13 a.m., Seo Young Ko sent \$400 to Miller from a Walmart located at 1340 South Beach Boulevard, La Habra, CA 90631. The address listed for Seo Young Ko on the transaction was 2056 Seaview, Fullerton, CA 92833. RFS records showed Miller picked up the \$400 on October 5, 2021 at 4:36 p.m. from the Walmart located at 1244 East Green Bay, Shawano, WI 54166.
- b. On October 6, 2021 at 9:04 a.m., Seo Young Ko sent \$900 to Miller from a Walmart located at 1340 South Beach Boulevard, La Habra, CA 90631. The



address listed for Seo Young Ko on the transaction was 2056 Seaview, Fullerton, CA 92833. RFS records showed Miller picked up the \$900 on October 6, 2021 at 3:36 p.m. from the Walmart located at 1244 East Green Bay, Shawano, WI 54166.

- c. On October 8, 2021 at 9:47 a.m., Seo Young Ko sent \$400 to Miller from a Walmart located at 1340 South Beach Boulevard, La Habra, CA 90631. The address listed for Seo Young Ko on the transaction was 2056 Seaview, Fullerton, CA 92833. RFS records showed Miller picked up the \$400 on October 8, 2021 at 12:21 p.m. from the Walmart located at 1244 East Green Bay, Shawano, WI 54166.
- d. On October 9, 2021 at 1:20 p.m., Seo Young Ko sent \$800 to Miller from a Walmart located at 1340 South Beach Boulevard, La Habra, CA 90631. The address listed for Seo Young Ko on the transaction was 2056 Seaview, Fullerton, CA 92833. RFS records showed Miller picked up the \$800 on October 9, 2021 at 2:21 p.m. from the Walmart located at 1244 East Green Bay, Shawano, WI 54166.
- e. On October 12, 2021 at 9:31 a.m., Seo Young Ko sent \$700 to Miller from a Walmart located at 1340 South Beach Boulevard, La Habra, CA 90631. The address listed for Seo Young Ko on the transaction was 2056 Seaview, Fullerton, CA 92833. RFS records showed Miller picked up the \$700 on October 12, 2021 at 11:35 a.m. from the Walmart located at 1244 East Green Bay, Shawano, WI 54166.

50. USPS Postal Inspector Matt Schmitz queried USPS records for information on mailings originating from Wisconsin that were shipped to 2721 E Carson St, Long Beach, CA 90810 in 2021. Postal Inspector Schmitz learned from this query that between September 21, 2021 and October 12, 2021, eight (8) parcels weighing between approximately three (3) and sixteen (16) pounds were shipped to 2721 E Carson St, Long Beach, CA 90810. These shipments are summarized below:

- a. On September 21, 2021, Lim shipped one parcel weighing approximately 3 pounds 5 ounces from the Antigo, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was EJ853125429US.
- b. On September 29, 2021, Lim shipped one parcel weighing approximately 16 pounds from the Antigo, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was EJ853125503US.
- c. On October 2, 2021, Bruette shipped one parcel weighing approximately 9 pounds from the Keshena, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was EJ630805652US.
- d. On October 5, 2021, Miller shipped one parcel weighing approximately 6 pounds 5 ounces from the Keshena, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was 9505516875161278037756.

- e. On October 7, 2021, Miller shipped one parcel weighing approximately 3 pounds 3.84 ounces from the Neopit, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was 9114902307224078159022.
- f. On October 8, 2021, Bruette shipped one parcel weighing approximately 12 pounds 7.8 ounces from the Keshena, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was EJ630805670US.
- g. On October 8, 2021, Bruette shipped one parcel weighing approximately 5 pounds 4.8 ounces from the Keshena, WI Post Office to 2721 E Carson St, Long Beach, CA 90810. The tracking number on the parcel was EJ630805683US.
- h. On October 12, 2021, Miller shipped one parcel weighing approximately 3 pounds 3 ounces from the Shawano, WI Post Office to 2721 E Carson St, Long Beach, CA 90810.

51. On July 13, 2022, I served a subpoena on Verizon Wireless requesting information on Lim's cellular telephone number, (310) 415-0949, for the time period January 1, 2022 through July 12, 2022. The responsive records consisted of subscriber information (including device ID, phone type, and other unique identifiers) for the cellular device assigned call number (310) 415-0949, bill copies, payment history, and payment method for the account. The subscriber information on the account for the cellular device (310) 415-0949 during the January 1, 2022 through July 12, 2022 timeframe listed a Sung K Kim with an address of 2721 E Carson St, Carson, CA 90810 (this same subscriber and address was listed on the responsive records obtained through a state search warrant in November 2021). The device ID information provided by Verizon for the cellular device assigned call number (310) 415-0949 listed two different devices for the time-period January 1, 2022 through July 12, 2022. The first device listed was a "Galaxy S9 Plus Coral Blue" with an effective date of July 10, 2020. The second device listed was a "Samsung GALAXY S22 PLUS 128 BLK" with an effective date of June 2, 2022. In reviewing the January 2022 through May 2022 cellular telephone bills, I found the associated device for the cellular telephone number (310) 415-0949 was a "Galaxy S9 Plus". In reviewing the June 2022 and July 2022 cellular telephone bills, I found the associated device for the cellular telephone number (310) 415-0949 was a "Galaxy S22 Plus" (DEVICE A).

52. On July 15, 2022, I queried the online TransUnion TLOxp database for the Lim's cellular telephone number (310) 415-0949. TLOxp results indicated the cellular telephone number (310) 415-0949 was a possible telephone number for Lim with a date of birth of 07/30/1949. Additionally, TLOxp listed a possible employer of Lim's as Dela Liquor located at 2721 E Carson Street, Long Beach, CA 90810.

53. On August 15, 2022, I requested a check on all the vehicles registered at the known address for Lim, 2721 E Carson St, Carson, CA 90810. The responsive records listed four vehicles registered to the address, including a 1991 Toyota pickup truck bearing California license plate number 4E32013 and vehicle identification number of JT4VN13D6M5040412. Lim is listed as the registered owner of the 1991 Toyota pickup truck. The registration is valid from October 31, 2021 to October 31, 2022.

54. On August 16, 2022, Federal Bureau of Investigation (FBI) Special Agent (SA) Sarah Deamron obtained a federal search warrant and court order from United States Magistrate Judge James Sickel for the Eastern District of Wisconsin for this investigation. The federal search warrant was for real-time information about the location of Lim's cellular telephone. The court order authorized the installation and use of a pen register and trap and trace device on Lim's cellular telephone assigned call number (310) 415-0949.

55. On August 17, 2022, the above-mentioned federal search warrant and court order were executed on Lim's cellular telephone provider, Verizon Wireless. I have reviewed the pen register/trap and trace data received through September 6, 2022 for Lim's cellular telephone assigned call number (310) 415-0949. I have found numerous instances where Lim's cellular telephone communicated with known telephone numbers for subjects associated with this investigation. These communications are summarized in the table below:

<u>DATE</u>	<u>TIME</u>	<u>ORIGINATING #</u>	<u>RECEIVING #</u>	<u>TYPE</u>	<u>CALL DURATION</u>
8/19/2022	02:01:14 (GMT 0)	17158513121 (James Madosh's Phone)	3104150949 (Lim's Phone)	Text	
8/19/2022	21:15:26 (GMT 0)	3104150949 (Lim's Phone)	17158513121 (Madosh's Phone)	Text	
8/19/2022	22:43:36 (GMT 0)	17158513121 (Madosh's Phone)	3104150949 (Lim's Phone)	Text	
8/20/2022	00:05:51 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-3121 (Madosh's Phone)	Voice Call	2m 9s
8/22/2022	01:28:33 (GMT 0)	1-715-851-1712 (Anthony Miller's Phone)	310-415-0949 (Lim's Phone)	Text	
8/22/2022	01:38:18 (GMT 0)	1-715-851-1712 (Miller's Phone)	310-415-0949 (Lim's Phone)	Text	
8/22/2022	02:36:56 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-1712 (Miller's Phone)	Voice Call	0m 6s
8/22/2022	18:55:56 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-1712 (Miller's Phone)	Voice Call	0m 31s
8/22/2022	18:56:00 (GMT 0)	1-715-851-1712 (Miller's Phone)	310-415-0949 (Lim's Phone)	Voice Call	1m 20s
8/23/2022	20:44:58 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/23/2022	22:56:35 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-3121 (Madosh's Phone)	Voice Call	1m 1s
8/24/2022	14:12:47 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/24/2022	14:13:13 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/24/2022	15:07:02 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-3121 (Madosh's Phone)	Text	
8/24/2022	15:14:59 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/24/2022	15:15:39 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/24/2022	15:41:32 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/24/2022	16:04:50 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/26/2022	13:24:32 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/26/2022	17:58:27 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/29/2022	19:16:57 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
8/29/2022	19:34:03 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-3121 (Madosh's Phone)	Voice Call	1m 39s
8/30/2022	15:28:59 (GMT 0)	1-715-701-9191 (George Bruette's Phone)	310-415-0949 (Lim's Phone)	Voice Call	3m 4s
9/1/2022	00:21:17 (GMT 0)	1-715-851-1712 (Miller's Phone)	310-415-0949 (Lim's Phone)	Text	
9/1/2022	14:04:02 (GMT 0)	1-715-851-1712 (Miller's Phone)	310-415-0949 (Lim's Phone)	Text	
9/1/2022	15:27:58 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-1712 (Miller's Phone)	Voice Call	0m 33s
9/3/2022	16:09:22 (GMT 0)	1-715-851-1712 (Miller's Phone)	310-415-0949 (Lim's Phone)	Text	
9/3/2022	22:54:24 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
9/4/2022	00:32:29 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-1712 (Miller's Phone)	Voice Call	1m 6s
9/4/2022	00:33:42 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-3121 (Madosh's Phone)	Voice Call	0m 42s
9/4/2022	21:31:22 (GMT 0)	310-415-0949 (Lim's Phone)	1-715-851-3121 (Madosh's Phone)	Voice Call	0m 3s
9/5/2022	20:06:59 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Voice Call	0m 39s
9/6/2022	14:09:55 (GMT 0)	1-715-701-9191 (Bruette's Phone)	310-415-0949 (Lim's Phone)	Voice Call	1m 11s
9/6/2022	23:16:23 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Text	
9/6/2022	23:30:06 (GMT 0)	1-715-851-3121 (Madosh's Phone)	310-415-0949 (Lim's Phone)	Voice Call	0m 4s

56. I have also reviewed the real-time location information for Lim's cellular telephone assigned call number (310) 415-0949. On September <sup>5</sup>~~4~~, 2022, at approximately 4:40 p.m. Central Time, Lim's cellular telephone left the State of California.

57. On September 6, 2022, at approximately 8:37 p.m. Central Time, I saw a white passenger car with a California license plate pull into the Sleep Inn hotel located at 525 Memory Lane, Antigo, Wisconsin located in the Eastern District of Wisconsin.

58. On September 6, 2022, at approximately 8:39 p.m. Central Time, Lim's cellular telephone location pinged in Antigo, Wisconsin in the area of the Sleep Inn hotel.

59. On September 6, 2022, at approximately 9:48 p.m., IW Neverman and I saw a white Infiniti Q50 car bearing California license plate 8CST634 parked in the parking lot of the Sleep Inn hotel located at 525 Memory Lane, Antigo, Wisconsin. A records check of the registration for the vehicle came back to a June Il Ko of 2056 Seaview Dr, Fullerton, California 92833. The address of 2056 Seaview Dr, Fullerton, California is the same address associated with Seo Young Ko who previously wired money to Miller of Neopit, WI in October 2021 as documented in paragraph 49 above.

60. On September 7, 2022, IW Neverman and I conducted surveillance of the white Infiniti Q50 bearing California license plate 8CST634 parked at the Sleep Inn hotel in Antigo, Wisconsin. At approximately 10:21 a.m., I saw an Asian male individual, whom I believed to be Lim, come out of the Sleep Inn hotel and walk to the white Infiniti Q50. I observed this person open the trunk of the car and move items to the back seat of the car before going back inside the Sleep Inn hotel. At approximately 10:50 a.m., I observed this same Asian male individual, whom I believed to be Lim, come out of the Sleep Inn hotel and get into the driver's seat of the white Infiniti Q50 bearing California license plate 8CST634 and drive to a Subway restaurant in Antigo, WI. A short time later, IW Neverman and I followed the white Infiniti Q50 being operated by Lim north out of Antigo, WI to the Augustyn Springs Trailhead parking lot located on County Highway A in Langlade County, WI.

61. Based on IW Neverman and my observations, I know that the white Infiniti Q50 4-door passenger car bearing California license plate 8CST634 is presently within the Eastern District of Wisconsin and is believed to be operated by Lim. I also know that the wild ginseng harvest season in Wisconsin and on the Menominee Reservation is September 1, 2022 – November 1, 2022.

62. In order to track the movement of the white Infiniti Q50 bearing California license plate 8CST634 effectively and to decrease the chance of detection, I seek authorization to place a tracking device on this vehicle while it is located in the Eastern District of Wisconsin in a public place or on

private property. Because Lim sometimes parks in driveways and on other private property, it may be necessary to enter onto private property, but not the interior of any structures to affect the installation, repair, replacement, and removal of the tracking device.

63. To ensure the safety of the executing officer(s) and to avoid premature disclosure of the investigation, it is requested that the court authorize installation, repair, replacement, and removal of the tracking device during both daytime and nighttime hours. I am seeking authorization to enter onto private property to install, repair, replace, and remove the tracking device outside daytime hours because the white Infiniti Q50 4-door passenger car bearing California license plate 8CST634 will likely be parked at the Sleep Inn hotel (525 Memory Lane, Antigo, WI) during nighttime hours as this is where Lim has historically stayed when he comes to Wisconsin during the wild ginseng season. Whereas the white Infiniti Q50 will be highly visible and mobile during daytime hours as Lim uses the vehicle for his primary means of transportation while in Wisconsin.

64. In the event the Court grants this application, there will be periodic monitoring of the tracking device during both daytime and nighttime hours for a period not to exceed 45 days following issuance of the warrant. The tracking device may produce signals from inside private garages or other such locations not open to the public or visual surveillance.

### **CONCLUSION**

65. Based on the facts set forth in this affidavit, I believe that the white Infiniti Q50 4-door passenger car bearing California license plate 8CST634 is or will be used in furtherance of violations of the Lacey Act, specifically 16 U.S.C. § 3372(a)(1), and that there is probable cause to believe that the installation of a tracking device on this vehicle and use of the tracking device will lead to evidence, fruits, and instrumentalities of the aforementioned crimes. Obtaining real time location information about the white Infiniti Q50 4-door passenger car bearing California license plate 8CST634 should



assist in identifying Lim's potential sources of wild ginseng, his sources whereabouts, and evidence of wild ginseng transported from the Menominee Indian Reservation without first being certified as required by MITW wild ginseng regulations and then delivered into the mail stream for shipment (transport) to California, all in violation of the Lacey Act, 16 U.S.C. § 3372(a)(1).

66. The activities and actions described above also constitute a conspiracy between Lim, the named individuals in this affidavit, and others to violate the Lacey Act, 16 U.S.C. § 3372(a)(1)

#### **AUTHORIZATION REQUEST**

67. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 3117, that authorizes members of the United States Fish and Wildlife Service or their authorized representatives, including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to install a tracking device on the white Infiniti Q50 4-door passenger car bearing California license plate 8CST634 within the Eastern District of Wisconsin within 10 days of the issuance of the proposed warrant, to maintain, repair, and/or replace the tracking device as necessary, and to remove the tracking device from said vehicle after the use of the tracking device has ended during both daytime and nighttime hours; and to monitor the tracking device for a period of 45 days following the issuance of the warrant, including when the tracking device is inside private garages and other locations not open to the public or visual surveillance, both within and outside the Eastern District of Wisconsin.


68. In accordance with 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I further request that the warrant delay notification of the execution of the warrant for 30 days after the end of the authorized period of tracking (including any extensions thereof) because there is reasonable cause to believe that providing immediate notification may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice would seriously jeopardize the ongoing



investigation by prematurely revealing its existence and giving suspects an opportunity to flee from prosecution, destroy or tamper with evidence, intimidate potential witnesses, notify confederates, and change patterns of behavior.

69. I further request that the Court seal the warrant and the affidavit and application in support thereof, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office and may be served on Special Agents and other investigative and law enforcement officers of the United States Fish and Wildlife Service, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant. These documents pertain to and discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation. Sealing these documents will also better ensure the safety of agents and others.

Respectfully submitted,

  
\_\_\_\_\_  
LOGAN CANNON  
Special Agent  
United States Fish and Wildlife Service

Subscribed and sworn to before me on September 8 2022

  
\_\_\_\_\_  
HON. JAMES R. SICKEL  
United States Magistrate Judge  
Eastern District of Wisconsin